

MINUTES
Braam Oversight Panel
SeaTac Red Lion, Seattle Room
SeaTac, WA
December 12, 2006

Panel Members: John Landsverk (Chair), Jeanine Long, Jan McCarthy, Jess McDonald, Dorothy Roberts

Panel staff: Carrie Whitaker

Plaintiffs' Attorneys: William Grimm, Casey Trupin, Bryn Martyna

Assistant Attorney General: Steve Hassett

DSHS Staff: Cheryl Stephani, Ross Dawson, Deborah Purce, Steve Norsen, Tim Hunter, Ken Taylor, Lee Doran, Nancy Dufraine, Ginny Heim, Chris Trujillo, Marjorie Fitzgerald, Sharon Gilbert, Diane Inman

Others: Paula Duranceau, Steve Baxter, Wanda Flesher, Scott Swaim, Linda Mason Wilgis, George Adams, Nancy Roberts-Brown, Hyeok Kim, John Hutchens, Thomas Rembiera, Erin Shea, Ron Murphy, Laurie Lippold, Cheri Covert, Jim Theofelis, John Tarnai.

Note: The minutes are a general summary of discussion and do not attempt to document every comment.

The meeting was called to order at 9:15 am.

Introduction and Current Status

John Landsverk noted that the Panel has now been meeting for two years. He stated that the Braam process is transitioning from activities focused on defining expectations and developing a monitoring system to a period in which the Panel will be examining outcome measures in the six goal areas. He reminded the group that data will be gathered from administrative data and a foster parent survey (both of which would be discussed at the meeting), as well as a chart review. John indicated that the chart review, which will look at a sample of children's case records to obtain information about services and issues for which administrative data are limited, was not ready for discussion at this meeting.

John noted that the Panel had provided draft professional standards to the parties in September, and has since received comments from the plaintiffs and the Department. The Panel has begun to review this feedback, and expects to issue final professional standards in January.

Unresolved Action Steps

John summarized recent correspondence related to two action steps that remain unresolved. In September, the Panel rejected Children's Administration's (CA) proposed compliance plans in the areas of monthly visits by social workers to children in custody and caseload size reduction.¹ In November, CA responded with a letter to the Panel in which they indicated that they would not be able to accelerate the phase-in of these action steps as requested by the Panel to align

¹ Panel decisions are available at the Braam website at <http://www.wsipp.wa.gov/braampanel/DecisionsCompPlan1106.pdf>.

with the schedule for Council on Accreditation (COA) site visits to local offices for accreditation review. John stated that the Panel had also noticed that CA's Program Improvement Plan (PIP) submitted to the federal government and posted on the CA website indicates that the Department was implementing monthly visits in offices undergoing COA accreditation site visits. The Panel felt this was inconsistent with CA's November letter to the Panel, and had contacted CA to ask them to discuss this inconsistency.

Cheryl Stephani reported that CA continues to work on these two action steps and sees these as critical reform strategies. With respect to the mention in the PIP of implementing 30-day visits in conjunction with COA site visits to local offices, Cheryl indicated that this emerged as a strategy in late 2005. Although there had been some newly allocated staff at that time, Cheryl was new as Assistant Secretary and did not realize there were not enough funds to meet the 30-day visit mandate with that original allocation. Cheryl discussed this issue with the Governor, and additional funding was then requested and provided by the legislature in the 2006 supplemental budget. In addition, the Governor committed to including enough funding in her 2007-2009 budget request to complete the job of hiring an adequate number of social work staff to ensure 30-day visits. Cheryl noted that CA's federal partners understood that the 30-day visit policy could not be implemented for all children, and agreed to a target of 46% of children receiving monthly visits (an increase from 36% at the time of the federal review). Cheryl noted that these visits could not be tracked in CAMIS, and CA had been assessing implementation of this policy through the case review process. In the PIP, CA linked monthly visits to COA accreditation to keep the goal in front of them. Ross Dawson indicated that the 46% PIP target was achieved in September 2006.

John Landsverk stated that it seemed as if CA had made commitments that they did not have the staff to fulfill. Dorothy Roberts asked whether the compliance plan proposed by CA was reflective of the funding conversation with the Governor. Cheryl indicated that the Office of Financial Management had asked CA to develop a phase-in plan, and that was reflected in the proposed compliance plan.

Jan McCarthy noted that she found the statement about 46% compliance with the monthly visit expectation to be confusing, in light of the PIP report indicating that implementation was "complete" in 19 offices as of 10/05 and 29 offices as of 12/05. Cheryl responded that COA accreditation is still a goal the agency is pursuing, but that offices do not have to meet all standards at the time of the site reviews by COA. Jan re-stated her question, asking why the PIP stated that implementation was complete in these offices, when Cheryl was now using the figure of 46%. Deborah Purce responded that "complete" means that the federal goal of 46% was met, based on a case review of 200 cases per quarter from across the state.

John Landsverk commented that there appeared to be an inconsistency between word and deed, and stated that the action steps requiring monthly visits and a plan to achieve the COA caseload standard of 1 to 18 are foundational and are critically important to all other improvements. Deborah stated that CA had realized that it had over-promised, and that the agency is working hard to accomplish as much as possible while still being realistic and not continuing to over-commit. She noted that CA had been discussing this issue since April, and had examined several options for phasing in monthly visits: starting with children with multiple placements, prioritizing children with recent placement disruptions, and following the COA accreditation site visit schedule. After many meetings with the regions, they came up with the

plan that was ultimately submitted, which will phase in monthly visits by category of children beginning with populations considered by CA to be most vulnerable (based on children's age and licensure status of foster home) Deborah stated that the plan recognizes the importance of frequency of visits, but is also realistic and does not over-promise. After the plan was rejected by the Panel in September, CA met several times with management and regional leaders, and concluded that they could not meet the schedule proposed by the Panel.

Jess McDonald asked for clarification on why the PIP states that the monthly visits would be phased in by COA accreditation schedule, if that is not the case. He asked whether or not CA is requiring offices undergoing COA site visits to implement monthly visits. He stated that this is a key COA requirement, and asked whether CA had adopted the monthly visit expectation. Cheryl responded that CA does not have a monthly visit policy for children in out-of-home care. Deborah added that offices that have not met the monthly visit standard have plans of correction. Jess asked that those plans be shared with the Panel. Deborah checked with staff, and indicated that they could do this.

Jess stated that his understanding of the COA process is that the monthly visit standard is considered a critical requirement, and he asked whether the language in the PIP report has any meaning. Cheryl replied that the PIP outlines a strategy for moving forward toward the federal target of 46%, and that CA is continuing to work on full implementation. Jess asked whether any offices going through accreditation had met the standard, and Ross Dawson indicated that some had.

Jeanine Long stated that she found this confusing. She stated that the information on the website was misleading and totally disagrees with the letter sent to the Panel. She wondered whether the legislature was aware of this situation. She read the language from the PIP stating that "we have completed implementation in most offices and will complete the remaining 12 offices in spring 2006" and reiterated that this was misleading. Cheryl indicated that she heard the Panel's concern on this issue.

John Landsverk stated that the Panel was taking the language in the PIP at face value, and that it was difficult to accept the Department's proposed compliance plan when there is a public document outlining a commitment to implement monthly visits according to the faster COA schedule. Jan McCarthy expressed concern over the fact that the Department's November 22 letter never stated that CA had considered the COA schedule as an implementation process and that they had even put it in the PIP. Cheryl reiterated that, like the Panel, the federal government has strategies and benchmarks, and their benchmark was 46%. Continuing the accreditation process was a strategy employed by CA to achieve that benchmark. Steve Hassett noted that the benchmarks in the Panel's Implementation Plan are set at 80, 90, 95%, which forces the Department to be more conservative about what they promise. With respect to instituting a policy requiring monthly visits, he noted that Washington is one of few states with no sovereign immunity. Instituting a policy that they know they cannot achieve would leave the Department open to tort claims if the policy is not followed.

Bill Grimm stated that the credibility concerns raised by this discussion are huge. He stated that the Department had accepted an Implementation Plan with benchmarks of 80-90% monthly visit expectations when they knew they were at 36%. He stated that this calls into question all

data from the Department, and he cautioned the Panel to be very suspicious of the materials they are receiving from CA.

Deborah indicated that the Department had little choice but to accept the Implementation Plan, and that the 36% rate of monthly visits was public information. Ross Dawson indicated that p.97 of the PIP quarterly report referenced by the Panel includes the information about the 36% monthly visit baseline.

Casey Trupin stated that the plaintiffs' frustration comes from the fact that these specific action steps came from Kids Come First II and were incorporated from KCFII into the Settlement Agreement. As such, they have been part of the Department's plans for several years and were not imposed on the agency by the Panel or the Implementation Plan

Dorothy Roberts noted the Panel's primary concern was the amount of time the Department is proposing to take before monthly visits are fully implemented. The Panel proposed accreditation as a strategy to accelerate this, and the real concern is the timeline. Jess McDonald asked what proportion of cases are served by private agencies, and indicated that the PIP showed that private agency contracts were being revised to require monthly visits. Ross Dawson responded that about 2400 children are served by private agencies. Jess asked whether CA had analyzed these figures to determine whether requiring private agencies to make these visits can help CA come closer to full implementation more quickly. He noted that neither the Panel nor the Department wants to be in a position where the first response is to request additional funding. It is not a certainty and there are complications, but he suggested that looking at private agency cases might help CA get closer to full compliance. Deborah indicated that CA could look at this more closely. Jess stated that the Panel feels strongly that monthly visitation is a critical safety issue, and he questioned whether this is reflected in the Department's spending priorities. The proposed schedule is not timely and not sensitive to safety concerns.

John Landsverk stated that the Panel had concluded that the compliance plans for the action steps related to monthly visits and caseload size remain unacceptable. He noted that the Panel plans to add an outcome and benchmark in the Implementation Plan related to caseload size. In addition, he stated that the Panel will require quarterly reports on implementation of both monthly visits and caseload size reduction. Deborah stated that CA can measure and report on caseloads, but that it is more difficult to report on monthly visits. To date, CA has been using the case review process to examine frequency of visitation. Tim Hunter noted that service episode records (SER) allow case managers to document these activities, but that there are currently only codes for 90-day health and safety visits and 30-day visits for children in in-home dependencies. John Landsverk said that it is critically important to track this. Casey Trupin wondered why, given that the monthly visit action step was part of Kids Come First II, the Department has not yet added capacity in CAMIS to track visits. Lee Doran stated that these visits can in fact be tracked, using the same code that was created for monthly visits for children in their own homes. What is missing, he said, is a policy directive to workers to use this code to document visits to children in placement. John Landsverk clarified that tracking monthly visits is not a technical data issue, but an issue of policy and practice, and CA agreed. Casey asked whether the Department will immediately issue a directive to staff to use this code to track visits to children in out-of-home care. Cheryl considered the issue during a break, and responded that she would submit a proposal to the Panel on this issue by January 1, 2007.

Foster Parent Survey

John Tarnai of Washington State University presented on the foster parent survey. He indicated that they are on track to implement the survey in February 2007, and to have data by late spring 2007.

John Tarnai noted that an advisory group comprised of one foster parent from each of the six DSHS regions, a CA representative, a youth, an ombudsman's office representative, and Carrie Whitaker to represent the Braam Panel had met in Spokane at the foster parent conference and via phone during October. In addition, foster parent focus groups were held in each region. A total of 54 foster parents attended the groups to review and provide feedback on the draft questionnaire. A small sample of comments from those groups included: training section is too long; questions regarding experiences with social workers, etc, are difficult when a foster parent has cared for many children; more questions related to cultural issues would be helpful; CA should be referred to as DCFS or CPS; a web or mail version of the survey may be useful; letter of introduction to foster parents should come from WSU, not the Panel.

WSU is currently working on revising the instrument in response to the focus groups and expects to have a final version for Panel review by the end of December. Pilot tests with approximately 100 respondents will be conducted during January. WSU is also working with Panel staff to define which questions will be used to assess compliance with benchmarks in the Implementation Plan.

John Tarnai asked whether it would be acceptable to submit the final report to the Panel in June or July 2007. John Landsverk said that was fine, provided the Panel has data in time to produce its August monitoring report. Jeanine Long noted that she continues to have concerns about length of the questionnaire. John Tarnai agreed, and noted that he is working to identify areas that can be shortened. Currently the survey is 20-30 minutes long. One issue discussed at focus groups was the importance of allowing foster parents to schedule a specific time to respond to the survey. Jeanine suggested that the introductory letter be clearer about the length of the survey, rather than stating that the survey would take a "short while."

Jeanine asked for information on focus group comments related to retaliation against foster parents. She suggested the addition of a question about use of the ombudsman's office. Jan suggested that the introductory letter should state that the survey seeks to "find out" about training and support needs, not "ensure these needs are met" (the latter is a goal of the settlement, but the survey itself will really only gather information to inform this process). She also recommended including background information regarding the settlement with the letter being sent to foster parents. John Tarnai indicated that he planned to include a flyer of some sort, and would also work with Carrie to add information to the Braam website.

John Landsverk asked Steve Baxter of the Foster Parent Association of Washington State if he had comments. Steve said that there had been great foster parent participation in developing the survey. John Landsverk noted that CA and the plaintiffs would need to review the questionnaire closely before it is finalized. Carrie Whitaker noted that she would be working with John Tarnai to strengthen some questions in the mental health section, to gather at least some data in areas in which it has been difficult to obtain administrative data. Nancy Roberts-Brown of Catalyst for Kids referenced the recent Family Engagement Summit, and recommended the addition of questions related to family involvement and the relationship

between birth parents and foster parents. John Landsverk noted that the settlement agreement focuses on children in out-of-home care, and Dorothy Roberts commented that issues related to birth parents are critically important and should be more visible in the Panel's work. She noted that there is a tension in developing the survey between obtaining data required in the Implementation Plan and obtaining other more general information.

A stakeholder commented that the community had worked hard to gain passage of legislation related to retaliation, but it has no teeth. It is very difficult for the ombudsman's office to prove retaliation. John Landsverk asked whether foster parents might be concerned about responding to the survey due to fears of retaliation, and a former foster parent responded that they would be. She stated that she and other foster parents would not believe the process would be confidential or anonymous. John Landsverk said that it was important for foster parents to have faith in the anonymity of the survey, and pointed out that there would be no way of connecting the respondent to the response. Steve Baxter said he was confident of the anonymity of the process and that he has been conveying that confidence to others. John Tarnai noted that the database will have no identifying information. Bill Grimm suggested strengthening the explanation in the cover letter of how anonymity will be maintained. Roxanne Lieb suggested that the large size of the survey should be mentioned. Steve Baxter noted that it is important for respondents to understand that the raw data will never be available to the Panel or to CA. Laurie Lippold suggested getting the word out to other groups of foster parents through networks across the state. Jeanine drew a parallel to analysis of voting data, and suggested that examining questions that respondents decline to answer could be revealing.

John Landsverk stated that CA should review the survey to ensure it is useful to them, in addition to providing the necessary information for the Braam Panel. Cheryl agreed that it is important for CA to ensure that there are enough follow up questions that they will be able to fully understand each problem and assess potential strategies for resolution. Bill Grimm asked what type of training the questioners will have, and whether they will be able to respond to foster parents who have specific concerns that require follow up. John Tarnai said that he would work with CA to obtain contact information for key resources, so that questioners could refer concerns to the appropriate offices.

It was agreed that the plaintiffs should review the current draft of the survey and provide comments before the Christmas holiday.

John Landsverk noted that the issue of sample size relates to both the foster parent survey and the chart review. For the chart review, the Panel is likely to approve a sampling plan that provides statewide precision, but sacrifices some precision at the regional level due to the need to manage costs. However, for the foster parent survey, CA and the Panel agreed that the larger sample size providing precision at the regional level should be used.

Data Presentation

Lee Doran from CA's Decision Support Unit provided a presentation on baseline data (power point presentation is available separately²). The presentation showed baseline data that had been delivered to the Panel in September and discussed the status of other measures for which

² Data presentation is available at the Braam website at <http://www.wsipp.wa.gov/braampanel/minutes.asp>.

data sources are in development. In addition, the presentation provided additional analysis of one particular measure related to completion of the CHET within 30 days of a child's placement.

After the presentation, Panel members and others asked questions related to development and use of the data.

Related to the CHET, Jeanine Long asked whether CA had looked at which components of the CHET were delayed and might be getting in the way of timely completion. Lee stated that they have not, and that this type of analysis needs to be done. Diane Inman, who manages the CHET and related programs for CA, indicated that difficulties in scheduling the EPSDT exam have created delays in the past.

Jeanine Long pointed out the significant regional variation on a number of measures, and suggested that it will be important for CA to look at areas that are performing at higher levels and ask them to share their strategies with other regions. Deborah noted that CA had done this type of information-sharing among regions with the Governor's GMAP process, and that they hope to implement a similar process with Braam data.

Casey Trupin thanked Lee for a helpful presentation, and asked why some of the data was different from the information presented in the September Monitoring Report. Lee replied that he had made several technical corrections, and that subsequent versions of the report would list the changes. Jess McDonald thanked Lee for a useful and interesting presentation.

Jeanine commented on the measure related to mental health assessments for child whose CHETs indicated this need. She noted that the need for assessments was likely to increase significantly as more CHETs are completed, and she asked whether the Department was planning for this. Deborah indicated that CA continues to work closely with the Mental Health Division (MHD). Ross commented that the new requirement for use of the GAIN-SS, a tool to screen youth over age 12 for co-occurring substance abuse and mental health disorders, may also increase the need for assessments and services. Jeanine noted that CA, MHD, and the Juvenile Rehabilitation Administration are part of the same Department, and affect one another programmatically and budgetarily, and should be planning together.

Jim Theofelis asked whether any qualitative data regarding shared planning meetings would be collected to provide a better understanding of the customer experience and issues of cultural relevance. Ross Dawson noted that the Department is collecting qualitative data with Family Team Decision Meetings. Deborah agreed that gathering additional qualitative data would be useful, but that it is important to start by building a system to simply document that meetings are taking place and who is attending.

Steve Norsen of MHD presented an overview of the mental health data required by the Panel. He noted that 3 benchmarks already presented to the Panel use mental health data. In areas related to timeliness of services, some additional data will become available after a new RSN contract requirement to record dates on which services are requested is implemented on January 1, 2007. For at least 5 additional benchmarks, MHD is awaiting guidance from the Panel. Data are not currently available, and MHD has outlined alternatives.

John Landsverk suggested that some of these indicators may be added to the foster parent survey. In order to determine responsiveness to crisis situations, it may be useful to go directly to the consumer and the caregiver. He noted that the Implementation Plan had been written to look at service delivery within 2 hours and 24 hours based on MHD's stated policy, but since the Implementation Plan was issued, it has become clear that hour of service is not recorded electronically and is not required in the case record.

With respect to continuity of treatment provider, Jess asked whether back-up data used for Medicaid claims could be useful. Steve replied that individual providers do not need to be approved, because they fall under licensed mental health centers. John Landsverk asked whether there are also fee-for-service providers, and Steve noted that MHD only contracts with RSNs. Jan McCarthy clarified that there are mental health services provided by CA as well as MHD, and asked whether CA would have data on provider of service. Lee Doran indicated that certain payment codes could be linked to providers. Laurie Lippold stated that continuity of provider is important, and that somebody in the child's life—caseworker, foster parent, etc—should have this information. John Landsverk suggested using the foster parent survey to gather these data, and Steve Norsen cautioned that this could be confusing, particularly for children who work with treatment teams. Scott Swaim, a mental health representative from Valley Cities Counseling, noted that continuity can be difficult when children change placements. Several people commented on the possibility of requiring RSNs to report on provider changes. Steve Norsen noted that it is technically possible to make such a request. Jan McCarthy stated that health plans for each child are required. These should include information on children's providers, and would be a potential data source. Deborah replied that it would be difficult to mine the health plans for data without a case review. Diane Inman stated that provider changes might be in service episode record notes, but that CA is not always notified of changes. Jan stated that it is the social worker's responsibility to know and communicate with children's providers. Tim Hunter agreed, but stated that even if workers do know children's providers, this may not be a high priority for them to document given all the other documentation requirements. Jess stated that the issue of continuity of providers and tracking changes is squarely the responsibility of the mental health agency.

Casey Trupin suggested that it might be possible to look at same day/ next day services, rather than services within 2 or 24 hours, and to increase the compliance requirements accordingly. This would be particularly attractive if data collection can begin immediately.

Carrie Whitaker asked whether the denial of service data Steve had referenced relates to the benchmark regarding clinical staffings for children who have been denied services. Lee responded that CA is working on tracking these staffings through the shared planning database.

With respect to the benchmark requiring improvement of service and quality for each racial and ethnic group, Steve indicated that MHD does collect data on some service and quality measures and suggested that the Panel consider working with existing measures. Dorothy noted that the Panel has considered using that benchmark to look at all other benchmarks in the mental health section by race/ ethnicity. Carrie Whitaker clarified that there is an action step related to developing a tracking system to look at outcomes by race and ethnicity, as well as the benchmark related to quality and service level by race and ethnicity. The Panel has discussed linking the action step and the benchmark, and, as Dorothy stated, approaching this area by

examining other mental health benchmarks for variation by race and ethnicity. Steve Norsen agreed that that would be a logical approach.

The meeting adjourned at 3:12 pm.